

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN HANCOCK LIFE INSURANCE)
COMPANY, JOHN HANCOCK)
VARIABLE LIFE INSURANCE)
COMPANY, and MANULIFE)
INSURANCE COMPANY (f/k/a)
INVESTORS PARTNER LIFE)
INSURANCE COMPANY),)

Plaintiffs,

v.

ABBOTT LABORATORIES,)
Defendant.)

Civil Action No. 05-11150-DPW

REQUEST FOR ORAL ARGUMENT

**ABBOTT LABORATORIES' AND DR. JEFFREY LEIDEN'S EMERGENCY MOTION
FOR PROTECTIVE ORDER REGARDING DEPOSITION OF DR. JEFFREY LEIDEN**

Third party Dr. Jeffrey Leiden and Defendant Abbott Laboratories ("Abbott") hereby move, pursuant to Fed. R. Civ. P. 26(c), for an order declaring that Dr. Jeffrey Leiden need not appear for deposition on December 11, 2006, a date on which he and his counsel are unavailable, and that the deposition shall proceed on a date, before or after December 15, 2006, to be mutually agreed upon by Dr. Leiden, his counsel, and plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Life Insurance) (collectively, "Hancock").

This Motion is brought as an emergency motion because the deposition of Dr. Leiden is presently noticed for December 11, 2006, only six days from today, and Hancock has insisted that the deposition proceed unless Dr. Leiden obtains relief from the Court. Hancock suggested

that Dr. Leiden and Abbott raise the issue with the Court at the hearing in this matter presently scheduled for 10:00 a.m. on December 6, 2006.

In support of this Motion, Abbott relies upon the accompanying (a) Memorandum of Dr. Jeffrey Leiden and Abbott Laboratories in Support of Emergency Motion for Protective Order Regarding Deposition of Dr. Jeffrey Leiden, (b) Declaration of Jeffrey Weinberger, and (c) Declaration of Eric Lorenzini, all of which are being filed contemporaneously herewith.

WHEREFORE, Abbott respectfully requests that this Court grant Abbott Laboratories' and Dr. Jeffrey Leiden's Emergency Motion for Protective Order Regarding Deposition of Dr. Jeffrey Leiden, and grant such further relief as this Court deems just and appropriate.

REQUEST FOR ORAL ARGUMENT

Abbott respectfully requests the Court set a date for a hearing on Abbott Laboratories' and Dr. Jeffrey Leiden's Emergency Motion for Protective Order Regarding Deposition of Dr. Jeffrey Leiden. If at all possible, Abbott requests that this Court hear this motion tomorrow, December 6, 2006, during the motion hearing presently scheduled for 10:00 a.m. in this matter.

Dated: December 5, 2006

Respectfully submitted,

DR. JEFFREY LEIDEN and
ABBOTT LABORATORIES

By: /s/ Michael S. D'Orsi
Michael S. D'Orsi

One of their attorneys

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*Counsel for Abbott Laboratories & Dr. Jeffrey
Leiden*

LOCAL RULE 7.1 AND 37.1 CERTIFICATION

The undersigned hereby certifies that counsel for Abbott Laboratories and Dr. Jeffrey Leiden has conferred with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues in this Motion.

/s/ Michael S. D'Orsi

Michael S. D'Orsi

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 5, 2006.

Date: December 5, 2006.

/s/ Michael S. D'Orsi

Michael S. D'Orsi